

WILMINGTON, N. C., FRIDAY MORNING, JUNE 21, 1867.

General Sickness Orders and Jurors.

We learn from the *Tarboro' Southern*, at the Court of Oyer and Terminer, held at the past week in Tarboro', adjourned without trying the negroes, John Taylor and Jim Knight, charged with the murder of Mr. Cutchin, on account of the ruling of the presiding Judge (BARNES) in regard to the effect of General SICKLES' Order No. 32, in respect to the selection of jurors. The counsel for the prisoners, Judge Jones and Mr. W. H. Johnston, asked the court to instruct the Sheriff to summon all citizens who were tax payers. This was declined, but the Sheriff was directed to summon from a jury list of tax payers prepared by the proper officers.

Upon the call of the case, the Sheriff replied that, as the County Court had not ordered the jury list, since the order of General SICKLES, he had summoned only white freemen. The counsel for the prisoners challenged the array and demanded a trial at this term or to be discharged. This point was fully argued by Judge Jones and the Judge overruled the challenge and suggested that he would continue the case, if an affidavit was made that there was no fair trial could be had from the present panel. The counsel for the prisoners insisted upon a trial, and a venire should at once be formed from tax payers, according to the order of General SICKLES, and declined to ask for a continuance.

The Court, after deliberation, decided, in the consent of the Attorney General, that, as doubts existed whether a legal jury could now be obtained for want of a jury list (which, according to his construction of the order was necessary), he would continue the case, and refused to discharge the jurors. The result of this decision is that the Court of Oyer and Terminer has been utterly fruitless for the trial of a number of cases, and the Court immediately adjourned.

We suppose the order of General SICKLES was issued to aid in the suppression of crime and the punishment of criminals, and we fear this change in the qualifications of jurors will not only serve to retard the course of justice, as in this case, but frequently defeat it. If our criminals are interfered with much more, and are, when committed by certain parties, our citizens are allowed to go unpunished, or inadequately dealt with, we very much fear our District Commander will not be warranted in repeating, a few months hence, what he so truly said of us in his April 13th speech, that

No people of whom I have read, or among whom I have lived, could bear themselves with honor, dignity and order, than this people exhibited under the peculiar circumstances of this case.

We know not how far this order will interfere with the cause of justice in our courts, but we greatly fear that its operation will render jury trials so much of a mockery that military tribunals under charge of educated and honorable officers, whether civil or military, will be decidedly preferable.

Reaction in Politics.

Each comment has been made upon the recent Democratic victory in CONNEXION with the great gains for the same party in W. HAMPSHIRE. The result of the election in KENTUCKY, the only Southern State where the ballot is entirely free, surprised one, except as to very large majorities given to the Democratic candidates.

Our allusions have been made to similar results in nearly all local and municipal elections throughout the North and South, and especially in WEST VIRGINIA.

Such is the virtuous indignation expressed by the *New York Herald* upon the mere announcement that the Attorney General of the United States, in obedience to his plain constitutional duty would, in his forthcoming opinion, hold that the Commanders of the Southern Military Districts had no power to remove civil officers and appoint others in their stead. This, too, in advance of the opinion, and consequently without any attempt to meet the reasoning by which the law officer of the Government arrived at this conclusion.

It is but the pompous repetition of the Radical argument, by which their party purposes have been subverted and their plans advanced. When the President, acting under the solemn responsibilities of his official oath and position, interposes to stay their violent infringements of the Constitution and laws of the country, the cry of "Impeachment" is raised from every quarter—if the South rejects propositions submitted apparently in good faith to their choice, and obviously to their dishonor, "Confiscation" is immediately taken up by these same supermen who have nothing else to do but to obey the promptings of the Radical Congressional stage-managers in the great republican farce now being enacted.

For no other offence but a commendable modesty of his own judgment, and distrust of his own interpretation of important laws, the impeachment of the President is demanded by the leading Radical paper of the United States. If Mr. STANBURY had been so ignorant of the plain principles of law, or purchasable in the interests of the "party progress," this action of the President would have been most proper—if the decision of this official had been favorable to the removal of all officers in the Southern States, and the abrogation of all laws for the protection of life and property—if, by the power of removal and appointment, all civil jurisdiction could be usurped into the hands of the District Commander, "or into the hands of those who hold their appointments from him and subject to his power of removal"—in a word, if the authority was given to these military officers to drive or scare the Southern people into the ranks of Radicalism—then will the President be permitted to continue in the exercise of his functions; but the law is to be explained by the proper officer, and the vagaries and animosities of officials restrained within proper limits—and finally, if the Radical party is not to have all the

advantages tricksters and wire-workers think necessary, then, by all means, before the end of July, the President must be impeached. The doubt of the success of the late measures to secure the Southern States to their party, and the fearful warnings contained in all recent elections at the North have made this movement greater and more necessary to secure the next President.

The opinion of Mr. STANBURY has now been made public, and except the implacable STANTON, it receives the unanimous approval of the CABINET, and we take it that, without the fear of Congress, the President will issue orders in accordance therewith, and those little propensities of some of the military commanders of providing for partizan friends at the expense of the rights of others and the laws of States, will be properly checked. We take it that ANDREW JOHNSON is not the man to be frightened out of his propriety by such silly threats. He has too long braved the displeasure of Congress and the Radical party to fear it now, when it stands between him and the honest discharge of his duties. He has nothing to make by tampering with party plans and schemes, but everything to gain for his country and himself, by enforcing the laws and protecting the liberties of the people. It will be of little concern where the thunderbolts of party ire may fall, or to what lengths party madness may go, the people of the United States will uphold their Executive in the conscientious performance of his duties. Away, then, with these weak devices of the enemies of law and order. The President and the people of the South have but to go forward in the honest discharge of their obligations, and the conservative people of the North will endorse them.

Military Government in the South.

We publish to-day the very important opinion of the Attorney General of the United States upon the powers of the Military Commandants in the South, under the reconstruction acts of Congress, as well as a supplementary opinion as to who are entitled to register and vote. Unlike his former opinion, Mr. STANBURY, in this document is clear, concise and full, and leaves nothing in doubt, either as to the powers and duties of the Commander, or the rights and privileges of the citizen.

We suppose this official paper from the Attorney General will be entitled to the same consideration as the law itself, and if not that the President, whose official oath imposes upon him to see that all "the laws be faithfully executed," will, as Commander-in-Chief of the army, issue an order forthwith to compel the Southern District Commanders to conform their actions in accordance with this official construction of their powers. The Military Commanders are the appointees of the President and responsible to him for the manner in which they perform their labors, and as well as a duty, it should be a pleasure for them, in the trying and often difficult performance of their obligations, to conform their official conduct in accordance with this authorized interpretation of the law, by the highest legal officer of the Government.

The acts of the Military Commanders in removing from and appointing to office, under the civil government, and in enacting and repealing laws by military orders, are declared in the most positive terms as unwarranted under the acts and entirely null and void. We shall endeavor to-morrow to give such a summary of this opinion under appropriate heads, as to explain it fully to such as may have doubts, or those who have not the time or inclination "to follow carefully the successive and dependent steps of a protracted legal opinion."

This is by far the most important document which has yet been issued in explanation of the acts of Congress, and will be read with interest by every one who sincerely wishes to see the work of reconstruction go on peacefully and in accordance with the demands of justice. Partisans will assail it with vehemence, and the impeachment of the President be renewed with redoubled fury if in having the laws faithfully executed he should interfere with the Radical programme. President JOHNSON, fortified by a clear conscience and armed with right and justice, may well defy their threats and brave their malice. If, in the discharge of his sworn duty, he falls by the strong arm of power, with his administration thus violently closed, expires the last hope of a constitutional government, unless the people rise in a storm of popular indignation and check the inevitable tendency of partizan aggressions which seem about to sweep away every barrier, however sacred, to complete and final success.

An Imperfectly Reconstructed Judge at Tarboro', N. C.

It is reported that Judge Barnes, now holding special court at Tarboro', adjourned the court because negroes were summoned as jurors, he having taken the oath to support the State laws, which do not recognize negroes as jurors.

The above is a telegram from this State to the Associated Press. While the action above reported, were it true, would have been most commendable and proper in Judge BARNES, and weighed by the opinion of the Attorney General, is what should have been done had negroes been summoned as jurors, it is, in fact, the very opposite of what actually occurred. Had the telegrapher reported the action of Judge BARNES correctly, instead of the above heading, the *New York Herald*, from which we get the above news, would have made it "A PERFECTLY RECONSTRUCTED JUDGE;" for the Judge in question actually adjourned court and continued the case because negroes had not been summoned as jurors. Not wishing to violate even the spirit of Gen. SICKLES' order, he severely reflected by his action upon the magistrates of the county for not having conformed their jury lists in accordance with what is now pronounced an illegal order.

Judge BARNES should have tried the criminals with such jurors as the County Court, acting under the laws of North Carolina, had provided him with, and left to others an interference with the course of justice. Certainly a judge acting under an oath to well and truly serve the State of North Carolina in the discharge of his official duty and to enforce the law, orders

contrary to law from any person in authority notwithstanding, would not try prisoners charged with a heinous crime before a jury constituted at variance with the laws of the State. If such were the case, we might well say, in the language of the Attorney General, "A strange spectacle! where the judge and the criminal may very well 'change places,' for if the criminal has unlawfully taken life, so too does the judge."

But we have referred to this matter with no view to comment upon Judge BARNES' action, but to defend him from the charge of being "imperfectly reconstructed." Agents of the Associated Press should learn from this important error that they cannot be too particular in the discharge of their duties. Grievous mischief may be occasioned by hasty and incorrect reports of the action of our officials, for their dispatches go round the round of the entire Northern press.

Dismissing Blasphemy.

In February last, in taking the editor of the *Union Register* to task in not being content with comparing every decent man in the South to the basest criminal for being guilty of connection with treason and rebellion, but speaking of the Saviour of mankind as the "Radical of Nazareth," we then remarked that we care nothing about the political or religious sentiments entertained by the editor of the *Register*. He has a right to his opinions, however discreditable they may be, but as public journalists, we protest against these disgraceful and disgusting prostitutions of that name which christian people adore, to illustrate the supposed virtues of any political party. However immoral or sinful our people may be, they still retain a sufficient sense of decency to shrink from the publication of such blasphemy, and will not countenance any journal into whose columns it is admitted. They justly look upon the person who would attack such a *soubriquet* to the name of Jesus Christ as an outrageous blasphemer, and an enemy to public morals—as one who has no regard for the feelings of christian people, and is not deserving of the slightest esteem of his fellowmen.

What we then said in regard to a political editor, is even more pertinent when applicable to a preacher, and while our people, wicked as they may be, will not countenance any journal into whose columns disgusting and gross blasphemy is admitted, they cannot be expected to tolerate a minister from whose lips, for political purposes, such blasphemy is uttered, and believe an association with him will contaminate the best and purest of men.

As we remarked of the editor, so we may say of the preacher, that we are glad to state he is not of native growth, but only a specimen of the new code of morals which threatens to overshadow the land and sow broadcast discord, enmity and corruption.

We quote from the remarks of Reverend G. W. Brodie (colored) to the political meeting a few evenings since:

"His mission here was sacred. He thought he could throw enough politics from his pulpit and denounce his political principles, without seeking public meetings to express them. He could not see how any black man could be other than a Republican; that he, himself, was a Republican, his pulpit was a Republican pulpit, his congregation were Republican, and that for his part he could see nothing in the religion of Jesus Christ, whose teachings he professed to follow, but Republicanism."

We care but little for the political or religious (they seem to be the same) principles of this man. He is entitled to entertain them; but in the name of all that is holy and sacred, we do protest against the mode he has of exhibiting them. We know not the strength or moral tone of his Republican congregation, but we do know that the teachings from his Republican pulpit cannot be wholesome so long as he indulges in illustrations which outrage and set at defiance the most sacred feelings of every Christian; or so long as he sees nothing better in the holy truths of the Gospel of Life than the doctrines of a political party.

By such leaders and teachers are the colored people being weaned from their friends—by such agencies are they organized into violent hostility to the whites. But few, we fear, will be intelligent and brave enough to fathom and resist the purposes of these designing men. So long as these matters are confined to the hustings we can only deplore them; but when they enter the sacred precincts of the pulpit, we would be false to our colored people—false to the moral welfare of the country, did we not properly expose the blasphemous wretches who desire to "steal the livery of Heaven to serve the devil in." We do warn them against such men. Their moral influence, whatever may be their political opinions, is evil, and the tendency of their labors will be to corrupt their followers.

When a minister, his pulpit, congregation and teachings are Christian, they are public blessings, and should be commended among all men; but when they are political, Conservative or Radical, they should be avoided as a loathsome pestilence, a social Charybdis, swallowing in its distended jaws all moral and religious characteristics of those coming within its influence.

College and School Commencements.

Our friend, the Senior of the Raleigh *Sentinel*, has returned from an attendance upon the Commencement at Trinity College, and he treats his readers with an account of the Exercises, from which we extract.

The report of the Faculty to the Trustees was very encouraging. There had been over a hundred matriculates, and the average attendance above eighty students for the year. Never has the morale of the institution been better. The Faculty recommended the appointment of two additional Professors. The financial condition of the College had exceeded expectations, the Faculty having made the necessary sacrifices to enable its receipts to meet its expenses.

The Board of Trustees subsequently elected Mr. Wm. C. Doub, A. M., Professor of Natural Sciences.

On Wednesday morning the large College Chapel was densely crowded with both sexes, to hear the annual sermon by Bishop Francis, of Georgia. His discourse, founded on the 5th, 6th and 7th verses of the 78th Psalm, was upon the imperious necessity and

duty of Christian education and its rewards. The sermon is spoken of as abounding in a richness of diction, a force of logic and a power of eloquence seldom equalled.

During the afternoon of the same day, the Chapel was again filled to overflowing to hear the Annual Address from W. Mac. ROBESON, Esq., of Salisbury. So little was heard of Mr. ROBESON, that his address, abounding in strong thought, forcible reasoning, and occasional bursts of impassioned sentiment, far surpassed the general expectation. His theme was a sharp and mainly review of the *Situation*, and the duties and responsibilities upon the young men of the times which grew out of it. The address gave universal satisfaction.

The crowd on Thursday was larger than on the previous day, to witness the Commencement Exercises proper.

Like other Southern institutions, the war has had a most injurious effect upon it. A year ago but one graduate appeared to take his degree; this year only one, the last of the class, many of whose members had slept that sleep which knows no waking. The name of the graduate was Mr. Wm. Graham Woods, of Person County. The Latin Salutatory and the Greek Oration, and other orations, were delivered by members of the Junior and Sophomore classes. Most did extremely well, greatly delighting the audience.

The President, Rev. Dr. Craven, by order of the Board, then conferred the degrees.

The degree of A. B., was conferred upon Wm. Graham Woods, of Person County, N. C.

That of A. M., upon the following graduates of the Institution, in regular order:

Messrs. C. N. Allen, of Wake, E. T. Branch, of Halifax, C. H. Hines, of Georgia, J. W. Goslin, of Texas, M. C. McMillan, of Chatham, J. D. Pitts, of South Carolina, and W. W. Withers, of Stokes.

The honorary degree of D. D., was conferred upon Rev. N. H. Lee, of Kentucky, and Rev. A. R. Winfield, of Arkansas.

Bishop Francis then delivered the medals of the Societies, and his impromptu speech was in his happiest vein.

At night the young people, in response to most exciting music, enjoyed themselves in the whirling mazes of the dance until the "wee hours." The Commencement is regarded as one of the most successful that Trinity has ever enjoyed.

Our cotemporary of the *Wadesboro' Argus* has been enjoying himself last week at the Commencement Exercises at Carolina Female College, in the neighboring hamlet of Ansonville. The Exercises opened on Tuesday evening with a concert by the pupils. The young ladies, by the very great excellence of their singing and instrumental music, evinced that they had been in good hands. On the following day the Commencement Exercises took place.

The graduating class numbered only three, Misses Susan McLendon, Julia Cox and Pattie Smith. The first honor was divided between the two latter. The essay of Miss McLendon, "On Instability of Human Governments," was regarded as a most creditable production. Miss Emma Purvis, of Iredell, read an "Address to the Graduates on behalf of the Undergraduates," which is highly spoken of.

The annual address was delivered by Rev. W. Power—subject, "Woman, Her Sphere in Life," which was handled with much ability and interest.

From the report of the President it was shown that the average during the year was fifty pupils, and the smallness of the number was to be attributed to the inability of parents, in the present condition of the country and their private affairs, to place their children at school. We trust these causes will not long operate to prevent the education of the young people of the State. The necessities of a good education are appreciated by all, and we feel confident all our good home schools must prosper in the early future.

The exercises of the Carolina Female College were closed with a most delightful *soiree*, where pupils and visitors enjoyed themselves greatly.

We learn from our Virginia exchanges, that at the Commencement at Hampden Sydney College, Mr. Edward R. Stamps, of Milton, North Carolina, graduated with distinguished honors. Dr. Stamps, of Milton, was elected a Trustee of the College.

Cleansing the Augean Stables.

Under the items of State News, we give one in reference to the presentation by the Grand Jury of the Circuit Court at Raleigh of Mr. Starbuck, the United States Attorney, for perjury in having taken the test-oath, required of him in accepting the office he now holds. It will be recollected that Mr. Starbuck was a member of the Secession Convention from the county of Forsythe. He took his seat on the 21st of January, 1862, at the assembling of the third session of that body, having been elected to supply the vacancy occasioned by the resignation of Mr. R. L. Patterson. By reference to the journals of the Convention subsequent to that time, we find Mr. Starbuck's name frequently recorded, voting "men and money" to carry on the war.

This presentation is proper, and the Grand Jury deserve the thanks of the people for their fearless discharge of duty. Let the work not stop there. Other officers of the Court, certainly others in Raleigh are equally guilty, and should be punished. Let the Chief Justice see to it that this trial is no empty mockery. "Let justice be done, though the Heavens fall."

State has no interest in the Danville and Greensboro' (Piedmont) and the Columbia and Charlotte Railroads, but the former is principally in Virginia, and the latter in South Carolina. We suppose there will soon be some correction of this report.

[Correspondence of the Journal.]
Total of Federal Taxes, Town of Sampson County, before the United States Circuit Court.

MAGNOLIA, N. C., June 15th, 1867.
Messrs. Editors:

Would you gratify a number of your friends in this section by publishing a brief sketch of the trial before the United States District Court, recently held at Raleigh, of Patrick C. Oates, Esq., of this place.

As the arrest and the charges were published, it is, we think, due to the defendant that his acquittal by a jury of men, entire strangers, both to him and his counsel, should likewise be made public.

The charges were based upon the passing of counterfeit money running through a considerable length of time. But we claim, under such circumstances, that any honest man might have been imposed upon and forced into a similar situation, had malicious enemies sat by his door to scrutinize his every act.

The prosecution was conducted by the District Attorney, and the defense by Col. Almond A. McKay, of Clinton, N. C. And I do not know that it would be unpardonable to allude to a conversation between the Colonel and an old army comrade, upon the cars as we were returning from Raleigh. In speaking of the Colonel's speech, he said, "Why, Colonel, I declare I did not think it was in you." I but repeat the common expression, at the close of his speech, most excellent. During its delivery there was not observed a single change of position in the room, but a fixed, steady and spell-bound attention was given by the whole audience.

The District Attorney replied, and the Jury was charged by his Honor, Judge Brooks. The fairness with which the Court responded to the requests of the defendant's counsel won upon all who listened. In three minutes, a verdict of acquittal.

The general approbation with which the verdict was received by the crowd of strangers that thronged the Senate Chamber (the then court room) was in itself a triumphant vindication of the defendant, and gave another evidence of the virtue of our people, manifesting, as they should, that a good name is not to be crushed and ruined by the shafts of malice, however envenomed, and truly is "rather to be chosen than great riches."

There was no denial of passing or receiving back the money, but it was the criminal intent that had to be settled by the defendant's counsel. The verdict was not asked as a shield from punishment, but upon the higher ground of vindicating the character of the defendant from the aspersions of malicious men.

The points made by the District Attorney were met bluntly, bluntly and squarely, and the issue was for the defendant and his counsel a glorious result.

Very respectfully, yours, &c.,
WITNESS.

COUNTY MATTERS.—In examining the Minutes of the proceedings of the County Court at its recent term, we find that in summing up the number of cases tried (civil suits) they amount in all to seventy-five, which were severally disposed of in various ways.

We find also upon the Minutes the following preamble and resolution of the Court, which, as a matter of general interest to the citizens of the county, we give in full:

ORDER.—In making provision for the amounts due the citizens and property of this county at the March Term, 1867, of this Court, the sums necessary for the poor of the county, for county purposes and for other purposes declared in the order adopted at said March Term, 1867, having been paid, the following statement submitted by the committee of Finance, and recommended by said committee, to the Court, was adopted by the Court as the basis upon which the general estimate of the gross amount required for the purposes in said order declared, was founded—that is to say: Juries, \$3,500; Jail, \$500; Insane and Blind, \$1,500; Constables, \$200; Poor, \$2,000; Coroner, \$200; Nurses, \$250; Bridges, \$2,000; Justices, \$500; Poor, \$5,000; Chairman Court, \$100; Criminal Court, \$2,500; Miscellaneous Accounts, \$2,500; it is therefore

Ordered. That the Sheriff pay to the Treasurer of the County the sum of \$10,000, at the rate of the foregoing estimate as intended for the poor of the county, viz: \$5,000; and that the Sheriff pay to the Treasurer of the County the sum of \$5,000, to be paid over to the County Trustee, as required by law, to be disbursed for the purposes declared in the foregoing statement.

Administrators.—Among other business of the Court was the appointment of the following administrators, the names of which we give together with those of the deceased persons upon whose estates they were appointed, and the amount of bond required of each: Solomon S. Stetwell, estate of James M. Moore, \$6,000; Julius W. Wright, de bonis non, estate of Robert Eders, \$1,000; William H. Register, estate of Ann Beery, \$200; Samuel A. Ashe, de bonis non, estate of Samuel Beery, \$6,000; E. H. Smith, estate of James O. Barry, \$500; W. W. Fennell, de bonis non, estate of Robert C. Murphy, \$5,000; William M. Harris, cum testamento annexo, estate of Thomas Williams.

S. H. Bell was appointed Inspector of Nava Stores for the village of Lillington, was duly qualified and gave the bond prescribed by law.

Embarrassing.

A gentlemanly agent of a certain city was collecting fares from the passengers of a very full bus one morning. All paid promptly except one fat old lady, who sat next the door, and who seemed to be reaching down as if to get something she had dropped on the floor. When her time came to pay she raised her head and thus addressed the blushing youth, "I alters, when I travels, carry my money in my stockin', for you see, nothing can get it thar, and I'd thank you, young man, jist to fetch it for me, as I'm so jammed in that I can't get it to it." The youth looked at the other passengers, some of whom were laughing at his plight; one or two young ladies among them blushed scarlet, and he beat a sudden retreat, muttering something about not charging old ladies, &c. His cash was short that morning the fare of one passenger.

New Process for Making Steel Railroad Bars.

A patent has been issued to Lorenzo S. S. S. of Augusta county, Va., for a new and valuable discovery in the manufacture of iron and steel. This is a process for making steel railroad bars, direct from a blast furnace, which, if successful, will create a revolution in the railroad iron business, as this process cheapens the steel to such an extent as will enable the railroad companies to use steel instead of rolled iron bars. Successful experiments upon a small scale have been made at Buffalo Forge, Va.

Concern for the Benefit of Southern Masons.

New York, June 16. A concert is to be given at the Academy of Music, on the 27th instant, for the benefit of Southern Masons. James T. Brady will also deliver an address.

The Cotton Tax.

LOUISVILLE, June 16. The board of trade has prepared a memorial to Congress praying for the removal of the tax on cotton, and setting forth the injustice and its injurious influence upon commercial affairs.

GOVERNMENT IN THE SOUTH.

RELATIONS OF THE CIVIL AND MILITARY AUTHORITIES.

Opinion of the Attorney General as to the Powers of the Military Commanders, and Summary of the Qualifications of Voters.

ATTORNEY GENERAL'S OFFICE, June 12, 1867.

The President:

Sir—On the 24th ultimo I had the honor to transmit for your consideration my opinion upon some of the questions arising under the reconstruction acts therein referred to. I now proceed to give my opinion on the remaining questions, upon which the military commanders require instructions.

First, as to the powers and duties of these commanders.

The original act recites in its preamble that "no legal State governments or adequate protection for life or property exist" in those ten States, and that "it is necessary that peace and good order should be enforced" in those States "until loyal and republican State governments can be legally established."

The first and second sections divide these States into five military districts, subject to the military authority of the United States as thereafter prescribed, and make it the duty of the President to assign from the officers of the army, a general officer to the command of each district, and to furnish him with a military force to perform his duties and enforce his authority within his district.

The third section declares, "that it shall be the duty of each officer assigned as aforesaid to protect all persons in their rights of person and property, to suppress insurrection, disorder, and violence, and to punish, or cause to be punished, all disturbers of the public peace and criminals; and, to this end, he may employ local tribunals to take jurisdiction of and try offenders, or, when in his judgment it may be necessary for the trial of offenders, he shall have power to organize military commissions or tribunals for that purpose; and all interference with the color of State authority with the exercise of military authority under this act shall be null and void."

The fourth section provides "that all persons put under military arrest by virtue of this act shall be tried without unnecessary delay, and no criminal punishment shall be inflicted, and no civil remedy shall be denied, until it is approved by the officer in command of the district, and the laws and regulations for the government of the army shall not be affected by this act, except in so far as they conflict with its provisions." Provided, That no sentence of death under the provisions of this act shall be carried into effect without the approval of the President.

The fifth section declares the qualification of voters in all elections, as well as the new constitution for each State as in the elections to be held under the provisional government until the new State constitution is ratified by Congress, and also fixes the qualifications of the delegates to frame the new constitution.

The sixth section provides, "That until the people of the said rebel States shall be by law admitted to representation in the Congress of the United States any civil governments which may exist therein shall be deemed provisional only, and in all respects subject to the paramount authority of the United States at any time to abolish, modify, control, or suspend the same; and in all elections to any office under such provisional governments all persons shall be entitled to vote, and none others, who are entitled to vote under the provisions of the fifth section of this act; and no person shall be eligible to any office under any such provisional government, except he shall be disqualified from holding office under the provisions of the third article of said constitutional amendment."

The duties devolved upon the commanding general by the supplementary act relate altogether to the registration of voters and the election of State officers, and the provisions of that act. And as to these duties, they are plainly enough expressed in the act; and it is not understood that any question not heretofore considered in the opinion referred to has arisen or is likely to arise in respect to them. My attention, therefore, is directed to the duties and authorities of the military commanders under the original act.

We see clearly enough that this act contemplates two distinct governments in each of these ten States—the one military, the other civil. The civil government is recognized as existing at the date of the act. The military government is created by the act. Both are provisional, and both are to continue until the new State constitution is framed and the State is admitted to representation in Congress. When that event takes place, both these provisional governments are to cease. In contemplation of this act, this military and this civil authority are to be carried on together. The people in these States are made subject to both, and must obey both, in their respective jurisdictions.

There is, then, an imperative necessity to define as clearly as possible the line which separates the two jurisdictions, and the exact scope of the authority of each.

Now as to the civil authority, recognized by the act as the provisional civil government, it covered every department of civil jurisdiction in each of these States. It had all the characteristics and powers of a State government, legislative, judicial, and executive, and was in the full and lawful exercise of all these powers, except only that it was not entitled to representation as a State of the Union. This existing government is not set aside; it is recognized more than once by the act. It is not in any one of its departments, or in any one of its functions, repealed or modified by this act, save only in the qualifications of voters, the qualifications of persons eligible to office, the manner of holding elections, and the mode of framing the constitution of the State. The act does not in any other respect change the provisional government, nor does it authorize the military authority to change it. The power of further changing it is reserved, not granted, and it is reserved to Congress, not delegated to the military commander.

Congress was not satisfied with the organic law, or constitution under which this civil government was organized. That constitution was to be changed in only one particular to make it acceptable to Congress, and that was in the matter of the elective franchise. The purpose, the sole object of this act is to effect that change, and to effect it by the agency of the people of the State, or such of them as are made voters, by means of elections provided for in the act, and in the mean time to preserve order and to punish offenders, if found necessary, by military commissions.

We are, therefore, not at a loss to know what powers were possessed by the existing civil authority. The only question is upon the powers conferred on the military authority. Whatever power is not given to the military remains with the civil government.

We see, first of all, that each of these States is "made subject to the military authority of the United States"—not to the military authority altogether, but with this express limitation, "as hereinafter prescribed."

We must, then, examine what is there-

State has no interest in the Danville and Greensboro' (Piedmont) and the Columbia and Charlotte Railroads, but the former is principally in Virginia, and the latter in South Carolina. We suppose there will soon be some correction of this report.

[Correspondence of the Journal.]
Total of Federal Taxes, Town of Sampson County, before the United States Circuit Court.

MAGNOLIA, N. C., June 15th, 1867.
Messrs. Editors:

Would you gratify a number of your friends in this section by publishing a brief sketch of the trial before the United States District Court, recently held at Raleigh, of Patrick C. Oates, Esq., of this place.

As the arrest and the charges were published, it is, we think, due to the defendant that his acquittal by a jury of men, entire strangers, both to him and his counsel, should likewise be made public.

The charges were based upon the passing of counterfeit money running through a considerable length of time. But we claim, under such circumstances, that any honest man might have been imposed upon and forced into a similar situation, had malicious enemies sat by his door to scrutinize his every act.

The prosecution was conducted by the District Attorney, and the defense by Col. Almond A. McKay, of Clinton, N. C. And I do not know that it would be unpardonable to allude to a conversation between the Colonel and an old army comrade, upon the cars as we were returning from Raleigh. In speaking of the Colonel's speech, he said, "Why, Colonel, I declare I did not think it was in you." I but repeat the common expression, at the close of his speech, most excellent. During its delivery there was not observed a single change of position in the room, but a fixed, steady and spell-bound attention was given by the whole audience.

The District Attorney replied, and the Jury was charged by his Honor, Judge Brooks. The fairness with which the Court responded to the requests of the defendant's counsel won upon all who listened. In three minutes, a verdict of acquittal.

The general approbation with which the verdict was received by the crowd of strangers that thronged the Senate Chamber (the then court room) was in itself a triumphant vindication of the defendant, and gave another evidence of the virtue of our people, manifesting, as they should, that a good name is not to be crushed and ruined by the shafts of malice, however envenomed, and truly is "rather to be chosen than great riches."

There was no denial of passing or receiving back the money, but it was the criminal intent that had to be settled by the defendant's counsel. The verdict was not asked as a shield from punishment, but upon the higher ground of vindicating the character of the defendant from the aspersions of malicious men.

The points made by the District Attorney were met bluntly, bluntly and squarely, and the issue was for the defendant and his counsel a glorious result.

Very respectfully, yours, &c.,
WITNESS.

COUNTY MATTERS.—In examining the Minutes of the proceedings of the County Court at its recent term, we find that in summing up the number of cases tried (civil suits) they amount in all to

ate payment,
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his notice will

FENNELL,
Administrator.
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